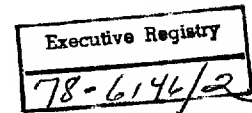
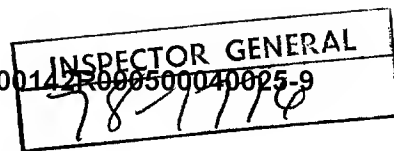


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Approved For Release 2002/01/24 : CIA-RDP81-00142R000500040025-9



MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : John H. Waller
Inspector General

SUBJECT : New Grievance System

1. Action Requested: That you approve the attached draft concerning grievance handling procedures.

2. Background: Attached at A is suggested language for inclusion in an employee notice or DCI Notes concerning the new grievance system. This was prepared as a result of the EAG meeting on 19 September 1978 on this subject.

3. I call your attention to the final paragraph of Attachment A which deals with the preservation of a direct written appeal by grievants to you or to the Director. Although the EAG consensus did not include this feature in the new procedures, I believe it should be preserved as part of the Agency's grievance process. There are occasions when employees are burdened by matters of extreme personal sensitivity or when they may perceive the officials managing their Directorate to be the major source of their problem. I believe it would be unwise to deny employees recourse to relief outside their components on such occasions. Moreover, the Director has indicated support for the direct appeal concept in "Notes from the Director" and other issuances (see Attachment B).

(signed).
John H. Waller
John H. Waller

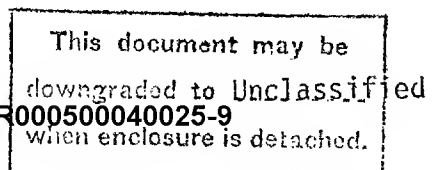
Attachments, a/s

E2 IMPDET
CL BY [REDACTED]

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SUBJECT: New Grievance System

APPROVED: _____
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence

DATE: _____

Grievance Handling Procedures

A grievance is an oral or written request by an employee for relief from dissatisfaction with career problems, working conditions, or other matters which affect the employee personally and which are subject to the control of Agency management. It is Agency policy that employees have the opportunity to have grievances considered promptly and resolved equitably. To this end, improvements in procedures to investigate and resolve employee grievances are being made. They emphasize the primary role of the Directorates and Independent Offices in handling and, where possible, resolving their employees' grievances. This notice describes in general the new procedures which will go into effect with the publication of a revised version of HR 20-7 which will outline them in greater detail.

Exclusions:

Certain matters are currently excluded from consideration under procedures established for the handling of employee grievances in the Federal Personnel Manual of the Civil Service Commission and under Foreign Service statutory grievance procedures. Specific exclusions, including, for example, matters treated in legislation, will be articulated in the Regulation implementing these procedures.

Initial Directorate Phase -- Role of the Directorate Grievance Officer

Every effort should be made to resolve grievances quickly and informally at the lowest possible level within the Directorates. If possible, the employee should take up the matter with a supervisor or with another appropriate official within the component involved. A grievance may be presented orally or in writing at this level.

A senior official will be named in each Directorate who will be prepared to devote full time, if necessary, to the duties of Directorate Grievance Officer (DGO). The DGO's name will be made known to all employees of the Directorate. An employee may take an oral or written grievance directly to the DGO for informal resolution if circumstances so dictate, or the employee may be referred to the DGO by a supervisor or other Directorate official. The DGO must respond to an employee in writing within 30 days of receipt of the grievance. Extensions may be permitted if necessary, but they must be fully justified.

Second Phase -- Role of the Inspector General and the Grievance Board

The Inspector General will accept employee grievances for review only after the recourse available to the employee within the Directorate or Independent office has been exhausted without achieving a satisfactory resolution of the grievance. The Inspector General will review the work already done on the component level and

conduct additional investigation as necessary. He will persist in the search for a simple, informal, negotiated resolution of the matter.

Should the findings and conclusions of the Inspector General indicate that his recommendation to the DCI or DDCI as the ultimate deciding authority in the Agency would be adverse to the employee, the Inspector General will offer the employee a choice among the following options:

- accept the conclusions of the Inspector General as final in the case;
- have the Inspector General's report of the investigation provided to the DCI or DDCI for final decision; or
- have the matter reviewed by the DCI's Grievance Board.

The third option would involve review by a three member Grievance Board selected by the employee from an Agency-wide panel of officials nominated for rotational panel service by the Directorates and approved for such service by the DCI or DDCI. A broad grade range would be represented on the panel. At least one member of the ad hoc Grievance Board selected by the employee must be from the employee's own Directorate or Independent Office.

An employee may enlist the assistance of another Agency employee to prepare his case which will be reviewed by the Grievance Board.

The Board's deliberations may be aided by a review of the record, the investigations conducted by the DGO and the Inspector General, interviews, a formal hearing, or a combination of these things. A record of the Board's review will be kept, including the results of all interviews, and that record will be available to the employee for review, in accord with Agency policy on employee access to files concerning oneself. Document release to the employee for use outside of Agency control will be conditioned by existing caveats regarding classification and the protection of sources and methods. If a hearing is held, a verbatim or summary record will be kept and will be available to the employee, as appropriate. Hearings will be administrative in nature and will not be conducted according to rules of evidence. The Board acts in an advisory capacity to the DCI or DDCI whose decisions on Board recommendations are final.

Direct Appeal to the DCI or DDCI

The employees' option of bringing a grievance to the attention of the DCI or DDCI in writing directly or through the office of the Inspector General is preserved, notwithstanding the new procedures outlined above. This option should be exercised only when an employee truly believes that equitable treatment can be achieved in no other way.

7. What is the future of Management by Objectives?

Management by objective (MBO), popularized by management theorist and consultant Peter Drucker, has been employed in both Government and industry for many years. It was introduced within the Government in 1974 as a formal management "system" by the Office of Management and Budget. With the change of Administration, OMB's requirement for a formal MBO system was removed. The future use of the MBO technique in CIA is currently under review.

8. What is our relation with the National Security Council?

As the President's principal intelligence advisor, I continue to attend the NSC meetings. The Policy Review Committee (PRC), which was established to develop Presidential national security policy, is under my chairmanship when it meets on the business of intelligence. When so convened this group has assumed the full functions and responsibilities of the previous Committee on Foreign Intelligence (CFI).

CIA participation in NSC Departmental Groups and Ad Hoc Groups is much the same as it was in similar groups under different names in previous administra-

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CIA daily, ad hoc support of NSC staff is quite extensive; quick response memoranda are frequently solicited and delivered. A significant segment of this work has been in support of US review of critical problems like the Middle East and Africa, including visits to those areas by Secretary Vance and Ambassador Young, as well as papers designed to prepare for additional visits to the USSR and China by the Secretary.

9. Are you as Director satisfied with the Inspector General's handling of complaints?

There are few processes that cannot be improved upon and I believe that the grievance and complaint handling process, which is vital to the well-being of the Agency, should be improved in whatever way possible. I have already authorized an increase in the size of the Inspector's General Staff, in part so that grievances and complaints may be investigated more expeditiously. The Inspector General, for his part, has established a new group within his office which will specialize in such matters and is personally available for consultation if any person is dissatisfied with the handling of a grievance or complaint.

In its staff capacity to me the Inspector General's Office is the apex of the grievance and complaint system which starts with an employee's immediate supervisor and proceeds through the normal chain of command within an employee's component, including component grievance officers, beyond that to the Director of Personnel, and then to the Inspector General (except in the case of EEO grievances which are processed according to a special system). Grievance and complaint handling is thus the business of all supervisors. While those with complaints may lodge them directly with the Inspector General, or with me personally if they wish, it

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is my hope that day-to-day leadership and management will anticipate problems or resolve them at an early stage so that careers will not be hurt and debilitating situations can be avoided.

All grievances and complaints cannot, of course, be satisfied, sometimes for reasons of law or regulation. However, Agency employees should feel that an objective review has been made and an equitable resolution genuinely sought. This is my goal for the Agency's grievance and complaint handling process. I know the Inspector General shares it.

10. What is the latest status of the proposal to tax overseas allowances?

At this time it appears that the Treasury Department will not propose repeal of section 912 of the Internal Revenue Code (taxation allowances) as part of the Department's tax reform proposal to be submitted to the President. While the House Ways and Means Committee is developing tax legislation and might consider repealing section 912, we still believe such action unlikely at least during this Congress.

11. What is the quality of recruits that we are getting?

The quality of recruits remains at least as high as it has been in the Agency's history. We are able to select from a large number of applicants. In fiscal year 1976, our recruiters conducted almost 14,000 interviews from which only 388 professional and technical applicants were selected to enter on duty. The quality of individuals applying for professional jobs is outstanding: Phi Beta Kappas, Cum Laudes, and Magna Cum Laudes are not uncommon. A goodly number of liberal arts honors graduates are rejected each year. They simply are not competitive with applicants who also have distinguished academic records, plus related work or military experience.

In surveys conducted at three different periods, the most recent survey showed that current applicants rate higher on professional test batteries than their predecessors. Our applicants are bringing ever higher levels of academic attainment. In fiscal year 1976, 56% of our new professional/technical employees had Bachelor Degrees, 25% had Master Degrees, 12% had PhD's, and only 7% had no degree. Twenty years earlier, 45% had Bachelor Degrees, 18% had Master Degrees, 3% had PhD's, and 34% had no degree.

The quality of our clerical employees also continues to improve. Here, too, we vigorously pursue the brightest and best qualified applicants. Although the Civil Service Commission permits a self-certification, the Agency continues to require passing scores on typing and shorthand tests for applicants who use these skills. In order to insure higher quality of clerical employees, we raised the passing score on the clerical aptitude test by ten points in February 1977.

Continuing incentives which will attract into and retain in our Agency topflight people is my foremost goal. Unless we maintain our record here, our Agency and its product are bound to deteriorate.

77-2467/6

Washington, D.C. 20305

28 DEC 1977

STATINTL

Office of Central Reference
Central Intelligence Agency
Washington, D.C.

STATINTL

Thank you for your note to me suggesting the formation of an appeals committee to which employees might go who are dissatisfied with decisions affecting them taken by the General Counsel's office, the Office of Security, or the Inspector General. As you know, the Inspector General currently advises me on the facts regarding employee grievances and appeals. I consider the Inspector General's conclusions and recommendations based on those facts and make my decision. I stress that the decision is mine, based on advice from the Inspector General and, at times, from other members of my staff which includes legal specialists in the General Counsel's office, medical specialists in the Office of Medical Services, and professional security officers in the Office of Security, among others.

The employee grievance structure is already a multi-layered system. At its base is the component grievance machinery consisting of supervisors, component chiefs, and component and Directorate grievance officers. An employee seeking relief can take his case to successive levels within this machinery. If a satisfactory resolution is not attained, a case may be appealed to the Director of Personnel and, ultimately, to me directly or through the Inspector General. As a practical matter, most cases which are appealed directly to me are reviewed for me by the Inspector General who gathers the facts upon which I base my decisions. An employee who wishes to do so, however, may also appeal directly to me or to the Inspector General for an investigation of a grievance without first going through the lower level machinery described above.

The Inspector General's office is, by experience, staffing, and regulation, particularly well equipped to handle the fact-finding task. The Inspector General has access to all information within the Agency necessary to him to accomplish his duties. In the grievance area, moreover, a recent innovation by the Inspector General--the creation

Response to a suggestion by

STATINTL

of a Grievance Group of senior, experienced officers within his office which will specialize in handling all grievance cases--should enhance the IG's ability to handle grievances in a skilled and expeditious fashion.

I believe the creation of yet another layer to stand between me and my staff advisers in the grievance system is not now called for. A grievance committee without special legal competence should not be put in a position to question decisions made by the General Counsel. The same could be said about the Office of Medical Services, and the Office of Security would have special problems with such a committee in connection with certain sensitive and confidentially held information it might develop from polygraph or other types of investigations.

For all of the above stated reasons, I have decided against the creation of an appeals committee at this time. I appreciate your thoughtfulness and concern, however, and I wish to assure you that you have contributed materially to my own thinking on this very important subject.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

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Principal Findings

Agency Grievance and Dissent Procedures

To turn to the report's principal findings, the first asks whether CIA procedures for dealing with grievances and dissent are adequate. First let me say that Mr. Snepp did not avail himself of the opportunities that existed in 1975 to register his strong views. Aside from this, I have been personally involved in upgrading the Agency's ability to deal constructively with employees with serious grievances. In the fall of 1975, when DCI Colby asked the Inspector General to investigate allegations regarding improper dissemination practices from the [redacted] Station, that Office had been reduced to only five positions--not a sufficient group to undertake a major study of intelligence reporting practices from Vietnam. Since that time the number of inspectors under the IG has been increased to 33. I authorized a level of 40 inspectors, but a reduction to the 33 figure was necessary because of appropriations reductions. In November 1977, the Inspector General established a separate but subsidiary Grievance Office, consisting of nine grievance inspectors from the staff total of 33.

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Changes in this area are not limited to organizational and augmentation of personnel. The regulation in force at the time Mr. Snepp returned from Vietnam was one promulgated in 1958. This regulation called for chain of command resolution of grievances and complaints with no mention of the Inspector General. Regulation [redacted] effective 19 April 1976, provided a final review role for the IG if a person lodging a grievance could not obtain satisfaction from his component grievance machinery or, after that, the Office of Personnel. On 28 December 1977, the grievance regulation, [redacted] was revised to establish the IG as the final review and appeal officer on behalf of the DCI. Additional changes in grievance procedures are under consideration, based on considerable research by the Inspector General, who examined the grievance practices of several other agencies and departments.

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The purpose of these changes is to insure a fair and effective grievance and complaint process, one which will have our employees' confidence that legitimate problems will receive fair and unbiased consideration, yet will not unduly disrupt our management functions, and will not allow the Agency to be tied up by frivolous or capricious complaints. We want to create an atmosphere where dissenting opinions and grievances can get full consideration inside the Agency, to eliminate any need for disenfranchised employees or former employees to go public. As a final step, I have urged employees to write to me personally, in confidence and anonymously if preferred, to express dissents, complaints, and grievances. I enclose at Tab C a recent notice to all employees on this subject.

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Notes from the Director

No.

1 September 1978

PROTECTING OUR SECRETS

I have recently published a Director's Note on why we have a policy of greater openness to the public wherever possible. I stressed in that note that this policy does not in any way relax our policy of keeping our secrets secret. I want to reemphasize that point because it is critical to our continued success. There are three areas where I would like to dispel possible misunderstandings on what must be kept secret:

1. Because we are being more open, some people believe that any employee may decide what information should be revealed. The rules have not changed. Classification authority rests where it always has. Individuals are no more free than before to declassify and release classified information. With the exception of the DDCI and myself, release to the public is made through the Office of Public Affairs, the FOIA office and a few other authorized offices, not by individuals. It is important also to remember that contact with members of the media other than for social purposes is controlled by [REDACTED] which fixes the responsibility and provides the guidance for such contacts. Because of the sensitivity of our work, contact with members of the media must be through and with the knowledge of the Office of Public Affairs. Breaches of this policy are serious matters.

2. Since Watergate and Ellsberg, there has been a tendency to misunderstand the role of "whistle blowing" leading to the assumption by some that whistle blowing necessitates "going public." None of us wants excesses or errors to go unreported, but legitimate alternatives to blowing one's whistle in public have been devised. Any conscientious employee who truly wants to correct rather than destroy, and who cares about the Agency and the credibility of the United States Government will exhaust these alternatives before going public:

- a. I continue to urge you to write to me directly and personally, in confidence, and anonymously if you prefer.
- b. Report what you believe to be errors to the Inspector General. This provides a mechanism for full and impartial examination of the problem and subsequent review by me.
- c. You have direct access to the President's Intelligence Oversight Board if you believe you will not receive a suitable hearing within the Agency. It can be reached at the Old Executive Office

N.B.: This issuance deals with dissent rather than grievances per se. It was used as Tab C in the draft OLC response to the SSCI on the Snapp allegations.

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In short, while we all have the right to dissent, we must also recognize our obligation to dissent in a responsible manner. The responsible "whistle blower" will exhaust all established channels for expressing dissent before turning to the last resort of "going public."

3. There is often a feeling that all breaches of security occur in some other component of the government. Congress thinks that the leaks come from the Executive Branch; the Executive Branch blames Congress; those in one Executive Department believe all leaks come from a different department, etc. It is time that we appreciate the basic fact that leaks and the vulnerability to espionage can and do occur everywhere. Much that must be done to improve security lies within our ability to control; for example:

- Do you *know* that the person to whom you are passing sensitive information has the correct clearances? Beyond that, do they need to know this information?
- Do you double talk on the telephone?
- Do you improperly take classified materials out of our buildings? Spot checks say yes.
- Do you Xerox controlled materials?
- Do you put more detail on sources and methods in written materials than is necessary?
- In discussing some support activity do you give away the nature of a classified operation being supported?

This problem of tightening our own internal security is as high on my list of concerns today as any other. We cannot be complacent. I ask your thoughtful and diligent cooperation. Security is the responsibility of each one of us.

STATINTL



STANSFIELD TURNER
Director

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

New Grievance System

FROM:

IG

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. [Redacted]
Assistant for Information, DA

Originator: [Redacted]

2. [Redacted]

To 1: Tom -
 This is the draft which went to DDCL on 2 Oct. As I mentioned to you on the phone today, we are now redrafting this notice in keeping with certain suggestions made by the DDCL. I'll send you an info copy of the new draft next week, but thought you would like to see this one now.

Arch - See
 paper clips -
 Jm

AEK

29 Oct 78